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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fourth session

PROVISIONAL SUMMARY RECORD OF THE 1019th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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Action by the General Assembly at its forty-eighth session:

(a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

(b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Eleventh periodic report of Sweden (CERD/C/239/Add.1) (continued)

1. At the invitation of the Chairman, Mr. Lindholm, Mr. Sjöström and Ms. Fridström (Sweden) took places at the Committee table.

2. Mr. RECHETOV (Country Rapporteur), recalling Mr. Banton's contention that there might be difficulty in determining whether or not the attitude of an association concerning itself with the problem of integration could be described as "racist", said that, to his own mind, the issue was perfectly clear. Immigration on a massive scale, some of it illegal, from certain countries or regions could call for measures which might distinguish between persons of different nationalities (separate passport and visa requirements, for example), but which, under the circumstances, were legitimate. Associations in wealthy countries which were opposed to immigration from poor countries, particularly associations whose stand enjoyed a fair amount of public and even official support, might be guilty of pandering to national egoism, but they could be accused of racism only if they were selective in their refusal of immigrants, based that discrimination on racial features and characteristics and divided the people of the world into "first-class" and "second-class" citizens. It seemed to him that attempts by a country's authorities to establish that distinction were fully justifiable.

3. Mr. BANTON said that, while he appreciated the force of Mr. Rechetov's argument, he thought that there would be practical problems in determining whether or not, in the context of public debate on the subject of immigration, the pronouncements of an organization that advocated the preservation of national identity and zero immigration were racist in sentiment. During the earlier part of the discussion on the Swedish report, he had been misunderstood in his call for a collective position in the Committee: what he had had in mind was not article 4 of the Convention, but the bearing upon that article of article 2, paragraph 1 (d). In that connection, he referred the members of the Committee to the arguments contained in paragraphs 8 to 10 of the note he had circulated.

4. He also drew attention to the Manual on human rights reporting (HR/PUB/91/1), in which chapter III on the International Convention on the Elimination of All Forms of Racial Discrimination had been written by Mr. Valencia Rodriguez. The following paragraph in that chapter reflected his own views entirely:

> "One author has rightly pointed out that 'While the Committee has not been given general competence to interpret the Convention, as a treaty organ, the

Committee may be competent to interpret the Convention in so far as is required for the performance of the Committee's functions. Such an interpretation per se is not binding on States parties, but it affects their reporting obligations and their internal and external behaviour'".

5. Mr. LINDHOLM (Sweden), noting that his country had enjoyed a constructive dialogue with the Committee over the years and hoped that the dialogue would continue, said that the members of his delegation would do their best to respond to the many questions asked. However, as some speakers had suggested, more detailed replies might have to be held over for the twelfth periodic report.

6. In connection with the prohibition of racist organizations and Sweden's understanding of its obligations under article 4 of the Convention, as well as the relationship between that article and article 2, he said that the Swedish position had consistently been that a balance must be struck between measures to combat racist activities, on the one hand, and the fundamental freedoms of expression, assembly and association, including freedom to demonstrate, on the other hand. A distinction must, of course, be drawn between the ends aimed at in the Convention and the means used by States parties to fulfil their obligations under that instrument; where those means were concerned, there could be occasions when a State party and the Committee might agree to differ. At all events, Sweden took its responsibilities very seriously and did its best to ensure that the means which it used and which, as the Convention itself provided, included, but were not confined to legislation, were indeed "appropriate".

7. Referring to the sections of the Swedish Penal Code which dealt with agitation against an ethnic group and unlawful discrimination, he said his country's view was that the obligation to combat racist activities must be considered fulfilled not only by the formal banning of racist organizations, but also by measures designed to prevent or punish individual participation in or support for such activities. He pointed out that Sweden had not made any reservations to the Convention and accepted communications from individuals in accordance with the provisions of article 14.

8. To understand the situation in Sweden as far as immigration and requests for asylum were concerned, it was important to realize that Swedish society had been very homogeneous until the Second World War, but had since undergone major changes. At present, one Swede in eight had an immigrant background; the annual number of asylum-seekers had rocketed from the fairly stable figure of around 30,000 in 1989-1991 to 84,000 in 1992, some 70,000 of whom were from the former Yugoslavia. In Sweden as elsewhere, economic recession and unemployment were biting hard, the latter having risen from 1.5 per cent over many decades to 10-11 per cent. Swedes and foreigners were sharing the consequences, just as, according to the Constitution (art. 20), they shared most rights. Foreigners were sometimes at a disadvantage because of language difficulties, but SKr 32 million had been voted by Parliament to improve their situation and, in particular, to combat racism and xenophobia. A Government commission was shortly to be set up for that purpose and Sweden was active in the anti-racist measures being taken by the Nordic Council and the Council of Europe.

9. Many questions had been asked about the Sami, who enjoyed special status as an indigenous population amounting to some 20,000, one eighth of whom were involved in reindeer-herding, while the remainder were distributed throughout the country and engaged in a variety of activities. The Samating, or Sami parliament, which had been in existence since August 1993, matched similar bodies in Finland and Norway and was chaired by a Sami nominated by the people and appointed by the Swedish Government. It was too early yet to evaluate the functioning of the Samating, but an assessment would be included in the next periodic report.

10. Like those related to reindeer-herding, the hunting and fishing rights of the Sami themselves were based on immemorial usage, with which the State had not interfered; hunting and fishing rights on State-owned land above the limit of cultivation and on reindeer-grazing mountains had, however, been extended to others, on the understanding that herding, hunting and fishing by the Sami were not to be adversely affected. To the best of his knowledge, the expropriation referred to in paragraph 63 of the report related to land owned individually or collectively by the Sami; provision was, of course, made for compensation when expropriation occurred.

11. In reply to a question relating to ILO Convention No. 169, he said that very few countries had become parties to that instrument. The problem for Sweden had been to do with what that Convention said about land rights. Since Sweden did not regard ownership as the issue at stake, it had sought the inclusion of usufruct as a right for the purposes of the Convention; having been unsuccessful in that attempt, it had been unable to accede to the instrument. Nevertheless, as stated in the report, the legal position of the Sami with regard to reindeer-herding, which took place, inter alia, over vast tracts of State-owned land, had been strengthened. Children of the reindeer-herders, like all children in Sweden, were subject to compulsory education; their parents could choose whether to send them to Sami or to Swedish schools. As pointed out in earlier reports, moreover, education in Sweden included a human rights component, as did, in particular, the training of police officers.

12. Mr. SJÖSTRÖM (Sweden) said that the fundamental principles of the bill based on the proposals of the commission set up by the Swedish Government to study measures to counteract organized racism were that racism and similar manifestations would never be tolerated in Swedish society and that all inhabitants of the country should feel safe from crime. High priority was attached to action to combat racially motivated crimes. Under an amendment to the Penal Code, a new aggravating circumstance was added for the increase in severity of the punishment if a crime was committed with the intention to offend a person or group because of race, skin colour, national or ethnic origin, religious creed or any similar circumstance. Police and prosecuting authorities were instructed to pay particular attention to implications or evidence of racism or similar attitudes in crimes they investigated.

13. Replying to comments by members of the Committee on the statement in paragraph 9 of the report that "The measures proposed to counteract organized

racism are not directed at the racist attitude of the association as such", he explained that the Government was not in fact proposing new penal provisions concerning organized racism and support to organized racism mainly because it considered that such measures would not be effective. An already existing provision in the Penal Code concerning agitation against ethnic groups had been extended in 1989 to cover racist or similar statements made within an organization. It would thus be impossible for the members of a racist organization or its supporters to operate without breaking the law. Another reason adduced by the Government for not introducing new penal provisions concerning organized racism and support thereto was the very real risk of failing to obtain a conviction and thereby of providing comfort to the offenders. He pointed out that there was no general legislation in Sweden on associations and no requirement that they must be registered. Hence it was difficult even to identify them with precision. Moreover, the formal prosecution of small groups could have the unwelcome effect of drawing counterproductive media attention to their activities. There were also technical legal reasons for not introducing new penal provisions at the present time, including the lack of clarity in the wording of what had been proposed so far.

14. In response to a question by Mrs. Sadiq Ali, he stressed that the inculcation of thorough knowledge about human rights was considered to be an essential element in the training of Swedish police officers. Moreover, serious efforts were now being made to recruit immigrants into the police force.

15. Ms. FRIDSTRÖM (Sweden), replying to questions by members of the Committee on indirect discrimination in working life, said that it was certainly not easy to draw a line between direct and indirect discrimination, but some cases of the latter were covered by the proposed prohibition of the use by employers of generally formulated demands as a smoke screen to hide discriminatory intent.

16. A litigating role corresponding to that of the Equal Opportunities Ombudsman had been proposed for the Ethnic Discrimination Ombudsman. Of course, the Ethnic Discrimination Ombudsman could have an important role to play in disputes settled out of court, but only the courts could hand down legal rulings. In response to a question by Mr. de Gouttes, she noted that, at present, there was no legal provision in Sweden that gave groups of individuals any standing in such disputes, but that the matter was being considered by the Commission set up to study new measures.

17. Detailed information in response to Mrs. Sadiq Ali's question on paragraph 20 of the report would be provided in the next periodic report, which would also contain a breakdown by country of origin of the current figures for immigration in Sweden. In reply to Mr. Banton's question on the Baltic countries, she said she believed that discussions were under way with Estonia on an exchange of trainees; in 1993, only 250 Estonians, 55 Latvians and 48 Lithuanians had been in Sweden with time-limited work permits. Nationals of the other Nordic countries and countries of the European Economic Area did not need permits to work in Sweden.

18. Swedish immigration policy favoured social integration on the basis of equality, freedom of choice and partnership. That meant, inter alia, that immigrants enjoyed the same opportunities, rights and obligations as the rest of the population. The Swedish policy had attracted favourable international attention and, in 1992, Sweden had been awarded the prestigious Carl Bertelsmann Prize, accompanied by the citation that, at an earlier stage than other countries, Sweden had perceived the need to integrate immigrants with their host countries and that its policy could serve as a model for a future European immigrant policy.

19. In its desire to bring about further improvements, the Swedish Government had decided in January 1993 to appoint a parliamentary commission to review immigrant policy and immigration, as well as refugee policy; its main tasks would be to study the employment situation of immigrants and knowledge of the Swedish language as factors influencing integration and to review refugee policy measures in Sweden and internationally. It was to complete its work by 1 March 1995.

20. Mrs. SADIQ ALI said that her question had been whether any multiracial organizations with the aim of promoting integration existed in Sweden.

21. Ms. FRIDSTRÖM (Sweden) said that her delegation would prefer to answer that question in the next periodic report, since it would take some time to obtain the necessary information.

22. Mr. RECHETOV said that a number of the questions he had asked had not yet been answered and he hoped that replies would be forthcoming in due course. In particular, he would like to know how many Sami children attended school, since the report was not clear on the subject. Paragraph 57 stated that, in 1991-1992, 137 children had attended Sami schools and 130 had participated in integrated Sami education in municipal schools, but 267 children seemed rather a small number for a total population of some 20,000.

23. He hoped that the creation of a Sami Assembly as provided for in the bill recently submitted to the Swedish Parliament would make it possible to establish a direct link between the Sami people and the Committee so that first-hand information could be obtained about their status. If Russia was appearing before the Committee and if such a substantial minority existed within its territory, it would feel bound to include a representative of that minority in its delegation.

24. As a jurist, he was not convinced by the arguments put forward by the Swedish representative as justification for not making racist organizations unlawful. It should not be necessary to prove criminal intent on the part of such organizations: rather, what was needed was to adopt legislation making racism a criminal offence. Since punishment for such offences served an educational purpose by focusing attention on actions which undermined the values of society, he could not agree that prosecution would have the effect of helping the organizations concerned to gain recognition.

25. Mr. de GOUTTES said that he had also not received replies to several of his questions. He hoped that the Swedish delegation would take note of the three main concerns he had expressed and provide information at a later stage. First, he hoped that the Ethnic Discrimination Ombudsman would be authorized to institute and become a party to legal proceedings in cases of discrimination. That was an important point in view of the fact that associations representing ethnic groups were not entitled to bring cases before the courts. Secondly, he hoped the next report would contain more specific information on sentences handed down for racist offences. Such sentences were a good test of the importance society attached to the elimination of racial discrimination. Thirdly, he agreed with Mr. Banton that more information should be provided on social indicators, not only for the Samis, but for other minorities, especially on indicators of non-integration such as delinquency, alcoholism, the existence of ghettos, the prison population and access to social services.

26. Mr. DIACONU said that he was still concerned about legislation to implement article 4 of the Convention. He appreciated that Sweden was a country with liberal traditions which might be reluctant to introduce restrictive legislation. However, he noted that some of the arguments put forward were similar to reservations formulated by other States parties to the Convention. Other Western countries, which presumably shared Sweden's belief in freedom of expression and association, had nevertheless adopted laws banning racial propaganda and racist associations. While those laws might not cover every aspect of racism, they at least represented an attempt to implement article 4 of the Convention. Could Sweden not study legislation adopted by other Western countries in that regard and adopt what was most appropriate to its needs?

27. Mr. LINDHOLM (Sweden), referring to the point raised with regard to the education of Sami children, said that paragraph 57 of the report should be interpreted as implying that other Sami children went to ordinary Swedish schools. The Sami population was widely distributed throughout the country and many of the Sami chose not to send their children to special Sami schools.

28. In reply to Mr. Rechetov's question, Sweden often included representatives of non-governmental organizations or indigenous populations in its delegations. For example, a Sami representative had been included in the delegation which had attended the meetings of the Working Group on Indigenous Populations in Geneva in 1993 and a Sami representative was in fact present at the current meeting, although not formally part of the Swedish delegation. There were a large number of immigrant groups in Sweden and it would be very difficult to ensure that they were all represented.

29. In reply to Mr. de Gouttes, he said that the bill now before Parliament did envisage a litigating role for the Ethnic Discrimination Ombudsman. If adopted, that bill would enter into force as from 1 July 1994.

30. He had taken note of the questions on social indicators and on integration and would provide information once the necessary statistics had been obtained. With regard to the implementation of article 4 of the Convention, he would simply

say that, on that point, Sweden and the Committee had differing opinions. However, he hoped that their dialogue would continue in a constructive manner.

31. The CHAIRMAN said that the Committee had concluded the first part of consideration of the eleventh periodic report of Sweden.

32. He thanked the Swedish delegation for its participation and assured it that all members of the Committee were interested in continuing the dialogue and looking forward to receiving Sweden's next periodic report, as well as replies to the questions that still remained unanswered.

33. Mr. Lindholm, Mr. Sjöström and Ms. Fridström (Sweden) withdrew.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION (agenda item 6) (continued)

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 8)

34. Mr. ABOUL-NASR recalled that, at the Committee's 984th meeting in March 1993, it had been decided, because events in the former Yugoslavia were giving rise to great alarm, that the Government concerned should be requested to report on the situation. He also reminded the Committee that he had earlier made a specific proposal relating to recent events in the Israeli occupied territories. Israel's report had been due on 2 February 1992 and was thus two years overdue. On the basis of the previous year's precedent, he suggested that the Committee should send the Government of Israel a letter expressing alarm at the recent incident in a mosque in which over 60 people had been killed and over 200 injured, as well as at the other related incidents that had followed. The letter would request that the Government should report to the Committee on what had occurred and on what measures it was taking to protect civilian populations in the occupied territories, in accordance with its obligations both under the Convention and under the Geneva Convention. That report should be submitted not later than, for example, June 1994.

35. Mr. BANTON said he supported that proposal, but pointed out that, if the Committee was to ask the Israeli Government for information, its request should be linked to the Convention. He suggested that the request should refer specifically to articles 5 (a) and (b) of the Convention.

36. Mr. RECHETOV said he was aware that several States parties had not submitted reports for some time. He also agreed that the request sent to the former Yugoslavia had produced useful results, in that representatives of the States concerned had agreed to attend the Committee's session and discuss the situation. However, he pointed out that there were now more than 10 new States in the former Soviet Union and, in the case of many of them, it had not been possible to establish either the de jure or the de facto situation with regard to treaty obligations which had formerly been obligations of the Soviet Union. He believed that those States should have priority where dialogue with the Committee was

concerned: it was crucial that an opportunity should be found to inform them of their obligations under the Convention.

37. The CHAIRMAN said that the Bureau had discussed the related subject of States parties whose reports were seriously overdue and States parties which had been asked to provide additional information for the spring 1993 session and had failed to do so. It had decided to propose sending a letter from the Chairman to those States parties, quoting in the case of the latter the section of the Committee's concluding observations entitled "Principal subjects of concern".

38. He thanked Mr. Rechetov for drawing attention to a very important point. The Committee would have to look into the matter of the status of the successor States of the former Soviet Union.

39. Mr. DIACONU, referring to Mr. Aboul-Nasr's proposal, stressed the need to establish an appropriate link with the Convention if it were decided to request a report or additional information from the State party in question. He would opt for a formal written request with a reference to, for example, article 9, paragraph 1, of the Convention.

40. He agreed that the Committee should ascertain whether the successor States of the Soviet Union had made a declaration of succession. Those which had done so could then be invited to submit initial reports, if necessary with United Nations assistance.

41. Mr. LECHUGA HEVIA expressed support for Mr. Aboul-Nasr's proposal. Indeed, he considered that the situation in the occupied Arab territories was serious enough to warrant the dispatch of a special mission to the area. Establishing a link to the Convention should present no problem, since any number of relevant provisions could be quoted.

42. Mr. AHMADU said that he also fully supported Mr. Aboul-Nasr's proposal. The settlers in the occupied territories, one of whom had carried out the Hebron massacre, continued to be treated as a privileged minority, while the victims were being punished.

43. The normal procedure for the successor States of the Soviet Union, which included the Russian Federation, Ukraine and Belarus, would be to honour the treaties to which the latter had been a party pending a decision on whether to stay in or opt out. He agreed that it was time to take the matter up in the Committee.

44. Mr. de GOUTTES expressed strong interest in Mr. Aboul-Nasr's proposal to request information from the Israeli Government. He thought that there would be no difficulty in linking the proposal to article 9, paragraph 1 (b) of the Convention and to the early warning and urgent procedures arrangement. It should be stressed that the information was being requested as a matter of urgency further to the incident at the Hebron mosque rather than as "additional information".

45. He fully supported Mr. Rechetov's suggestion that the Committee should discuss the situation of the successor States of the Soviet Union.

46. He drew the Committee's attention to the statement which the State Minister for Foreign Affairs and Cooperation of Burundi had made to the Commission on Human Rights on 1 March and in which he had spoken of inter-ethnic strife, assassinations, tens of thousands of fatalities and hundreds of thousands of refugees and internally displaced persons. In the light of those tragic circumstances, he suggested that the Committee's consideration of the situation in Burundi, scheduled for the end of the following week, should be brought forward as a matter of urgency.

47. Mr. SHAHI said that he supported the suggestion that the Israeli Government should be asked to provide information on the Hebron massacre. Article 5 (b) of the Convention was clearly relevant in addition to article 9, paragraph 1 (b).

48. With regard to the point made by Mr. Rechetov, he suggested that the Secretariat should be asked for information on the status of the successor States. In many of those States, the protection of ethnic minorities would be a matter of special concern to the Committee. Hence the desirability of having their initial reports as soon as possible.

49. He was very much in favour of giving priority to the meeting with Burundi in order to consider possible action under the early warning and urgent procedures arrangement, since he felt that the United Nations had been somewhat remiss in its reaction to the terrible events in that country.

50. Mr. FERRERO COSTA said he agreed with the proposal that a letter should be sent to the Government of Israel referring to article 9, paragraph 1 (b), of the Convention. Such action in response to a specific incident, which had obviously had an ethnic dimension, would establish a precedent to which the Committee could refer in any similar circumstances that arose in the future.

51. He also agreed with Mr. Rechetov on the need to clarify the situation of the successor States of the Soviet Union. Although Ukraine and Belarus, having previously been States parties, were in a different category, it might still be of interest to know how the situation in those countries had been affected by their new status.

52. Lastly, he was in favour of giving top priority to the question of Burundi.

53. Mr. SONG SHUHUA expressed strong support for Mr. Aboul-Nasr's proposal that information should be requested from Israel under the early warning and urgent procedures arrangement. He also considered that Burundi's report should be given precedence.

54. Mr. VALENCIA RODRIGUEZ joined the other members of the Committee in backing the proposal that a letter should be sent to Israel containing a reference to article 9, paragraph 1 (b), of the Convention. He agreed that the full import of

the new status of the successor States of the Soviet Union should be studied and that the situation in Burundi should be discussed as a matter of urgency.

55. Mr. RECHETOV said that 6 of the 15 successor States of the Soviet Union were parties to the Convention: the Russian Federation, Ukraine, Belarus, Latvia, Estonia and Moldova. He felt it was important to request initial reports from those States where appropriate. The remaining States, which had shown no interest in continued participation, were: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Tajikistan, Turkmenistan and Uzbekistan. He suggested that a courteous letter should be sent to them, reminding them of the need to regularize their situation with respect to the Convention. The fact that conflicts were under way in some of those States, for example, Armenia, Azerbaijan and Georgia, made it doubly urgent that such action should be taken.

56. Mr. AHMADU pointed out that Armenia had acceded to the Convention in July 1993. As neither Armenia's report nor those of the other new States parties - Estonia, Latvia and Moldova - could be described as overdue, they might simply be invited to send initial reports, if necessary with the help of the advisory services. The Secretariat would have to ascertain the legal status of the other States before any action was taken.

57. The CHAIRMAN said that, on the basis of Mr. Aboul-Nasr's proposal, a letter would be drafted for submission to the Committee, which would then take a formal decision on the approved text to be sent to the Government of Israel.

58. Priority should be given to the question of Burundi in view of the urgency of the situation in that country and he suggested that the matter should be discussed on 7 March 1993. A consensus on Mr. Rechetov's proposal appeared to have been reached during the Committee's discussion. He suggested that, after requesting the relevant information from the Secretariat, the Bureau should propose a suitable time for further discussion.

59. The CHAIRMAN, replying to a question by Mrs. SADIQ ALI about the reports of Sudan and Papua New Guinea, said the Bureau had proposed that the Chairman of the Committee should send letters to States parties that had failed to supply additional information, including those to which Mrs. Sadiq Ali had referred. In the case of States parties with seriously overdue reports, the letters would be drafted in the form decided earlier in the meeting and the countries concerned would be asked to supply the information by 15 June 1994 to enable the Committee to consider their reports at its August session.

60. Mr. BANTON said it had also been agreed that the relevant summary records should be attached to the letters addressed to those States parties, with the request that they should comment thereon.

61. Mr. SHERIFIS said that States parties had a contractual obligation, under article 9, paragraph 1, of the Convention, to submit an initial report within one year after the entry into force of the Convention for the State concerned. The Secretariat would be fully justified in drawing the attention of the most recent

States parties, including some of the former Republics of the Soviet Union, to that obligation and could not be accused of harassing them. With regard to the other States emanating from the former Soviet Union that were not yet parties to the Convention there would be no harm in approaching their permanent missions in New York, for example, informally if necessary, to suggest that they might consider acceding to the Convention. It was the Committee's duty and mandate to work towards the widest possible acceptance of the Convention and for the elimination of racial discrimination. He agreed with Mr. Ahmadu that all States, including the United States of America, should be encouraged to become parties to the Convention. He did not consider that a decision by the Bureau was needed for so straightforward a matter and proposed that the Committee could itself decide to request initial reports and suggest informally to those that had not yet acceded to the Convention that they might do so.

62. Mr. YUTZIS said that Mr. Banton had clarified the point he had wished to make about Guatemala, one of the States with seriously overdue reports. The matter had arisen repeatedly and he agreed on the need for some sort of deadline to be set for the submission of reports.

63. Mr. RECHETOV said that, of the States that had formerly been Republics of the Soviet Union, eight had not yet acceded to the Convention. Of those eight, at least seven would not object in principle to acceding in accordance with succession arrangements. Only Lithuania might not wish to accede to the Convention as a successor State, but Lithuania's application for membership of the Council of Europe would no doubt clarify its position. He doubted that approaching those countries' permanent missions in New York informally, as Mr. Sherifis had suggested, would yield results. For one thing, those States might not yet have established such missions and those that had would be unlikely to have the necessary diplomatic services and structures to take the appropriate decisions. For another, it was doubtful whether they would understand the importance of acceding to the Convention. He was therefore convinced of the need to send letters to the Governments concerned.

64. The CHAIRMAN, referring to States parties whose periodic reports were seriously overdue, said he took it that the Committee agreed to the Bureau's suggestion that a letter should be sent to them from the Chairman on behalf of the Committee requesting the submission of reports in time for them to be considered at the Committee's August session.

65. It was so decided.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-EIGHTH SESSION (agenda item 5):

(a) ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (General Assembly resolution 48/90);

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (General Assembly resolution 48/119)

66. Mr. BANTON, referring to the Secretariat paper of 19 February 1994 containing a summary of action taken by the General Assembly at its forty-eighth session on the annual report of the Committee and the effective implementation of human rights instruments and effective functioning of the treaty bodies (CERD/C/44/Misc.2), said it reported that a large number of States had welcomed the proposed amendment to the funding provisions of the Convention and that many speakers had emphasized the importance of the Committee's work. With regard to the reference in the paper to the objection by one regional grouping (the Caribbean Community) against the Committee's submitting its recommendations to the Security Council, he said that, although he had no information about the reasons for the reservation, that view seemed to reflect the concerns of at least two members of the Committee at the time about the Committee's acceptance of the Secretary-General's invitation to submit recommendations that he might refer to the Security Council. The majority view in the Committee had been in favour of responding to that invitation while exercising all due caution in that regard.

67. Another point made had related to concern about the widespread emergence of new forms of racism and the crucial need for educational programmes in combating racism. That view had been heard from many quarters; it remained to be seen what kind of action the Committee could recommend, since no very detailed information was available about the success of educational programmes. The Committee would need to return to that issue at its joint meeting with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and possibly in any recommendations it might make for the Third Decade to Combat Racism and Racial Discrimination.

68. The Secretariat paper summarized the General Assembly's discussions on the effective implementation of international instruments. It had been suggested that the conclusions and recommendations contained in the interim report by Mr. Philip Alston (A/CONF.157/PC/62/Add.11/Rev.1) should be supplemented by the views of the members of the treaty bodies. That item was on the Committee's agenda and he hoped that the Committee's views would accordingly be assembled at the current session.

69. He had some misgivings, however, about the suggestion endorsed by many delegations at the General Assembly that reports under the various instruments could be consolidated into a single comprehensive report to simplify the reporting process and that thematic reports merited consideration. The point was that, over the years, the Committee had been developing its own procedures that were specifically geared to the problems of the Convention on the Elimination of All Forms of Racial Discrimination and its States parties and should not adopt the procedures of other treaty bodies unless it was confident that they related to the same circumstances. Mr. Alston's interim report painted a rather pessimistic picture of a treaty monitoring system that was breaking down under

the burden of work and backlog of reports and suggested somewhat drastic action. He felt that there was a more positive side to the question.

70. The part of the Secretariat paper on the General Assembly's discussions had gone on to say that the Committees could adopt a number of relatively simple reforms to increase effective functioning and that "more time should be allotted for States to prepare responses to lists of issues". In connection with that statement, his own interpretation of the General Assembly discussions had been that greater efforts should be made to provide States in advance with lists of issues which they could refer to when they appeared before the Committee. He considered that the catalytic role played by treaty bodies in "monitoring the domestic monitors" was somewhat overestimated and would require further discussion when the Committee examined Mr. Alston's report. To his mind, it was more a question of such domestic bodies providing the Committee with information to enable it to assess implementation.

71. The Secretariat paper also summarized the resolutions adopted by the General Assembly, including resolution 48/120 expressing satisfaction with Mr. Alston's interim report, requesting that high priority should be given to the establishment of a computerized database and urging States parties to notify the Secretary-General, as depositary of the Convention, of their

acceptance of the amendments to its funding provisions. He had been informed that the process was slow because States parties had not known in what form their acceptance of the amendments should be expressed. If that was now clarified, he hoped that the process would be speeded up.

72. Mr. FERRERO COSTA said that the Committee should again record its satisfaction that the financial problem had finally been settled. Irregular funding and dependence on States parties' contributions had impeded the Committee's work for many years and no small credit was due to the Secretariat for helping to solve the problem. Many of the points made in the summary of the discussions of the General Assembly merited further debate in the Committee, including those concerning methods of work. It was interesting to take note of the General Assembly's appreciation of innovative procedures, such as the Committee's urgent procedures. In connection with the call for wider publicity to be accorded to the Committee's work and for encouragement to be given to the participation of non-governmental organizations in preparing and disseminating reports, he said that the effectiveness of the Committee's work could be greatly increased if its work were more widely known. Press releases were not the only means available; the Committee's agenda should include a special item on the improvement of working procedures in order to devise a better targeted, more effective system for improving the Committee's action within the international community and informing States parties about ways of combating racial discrimination.

The meeting rose at 6 p.m.